

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-25 are currently pending. Claims 6, 7, 14, 21 and 23 have been amended by the present amendment. No new matter has been added.

Office Action Summary

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite in light of Claim 5; Claims 7, 8, 14, 21, and 23 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,966,162 to Goode et al. (hereinafter “Goode”); and Claims 1-5, 9-13, 15-20, 22, 24, and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Goode in view of U.S. Publication No. 2003/0200551 to Kang (hereinafter “Kang”).

Rejection of Claim 6 under 35 U.S.C. § 112, second paragraph

Applicant respectfully traverses the rejection of Claim 6 under 35 U.S.C. § 112, second paragraph, with respect to amended Claim 6. Claim 6 has been amended to depend from Claim 1. Applicant respectfully submits that amended Claim 6 is definite, and requests that the rejection of Claim 6 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejection of Claims 7, 8, 14, 21, and 23 under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of Claims 7, 8, 14, 21, and 23 under 35 U.S.C. § 102(b), with respect to amended Claims 7, 14, 21, and 23.

Briefly summarizing, independent Claim 7 has been amended to recite, *inter alia*, that a first time stamp (which is generated when image data is encoded) is received separately from the image data having been encoded and before the display device receives the image data having

been encoded. Thus, the visual disturbance hiding unit determines when to stop hiding the disturbance in accordance with a time point at which the display device receives this first time stamp separately from the image data having been encoded and before the display device receives the image data having been encoded. In other words, the first time stamp is sent to the display device from the center device separately from the encoded image data and before the image data is sent to the display device from the center device. Independent Claims 14, 21, and 23 have been amended to recite similar features.

Turning now to the applied reference, Goode describes determining the timing to stop hiding the image **in accordance with receiving an encoded information stream of new image data.** Indeed, this is the interpretation adopted by the Office Action on page 4, lines 12-15, where the Office Action states that:

Column 4, lines 5-33 [of Goode] explain that the image data is compressed using MPEG-2 compression, and column 6, lines 9-13 explain that when the new information stream is received and begins to be decoded that the image is faded out, i.e. the image stops being hidden. [emphasis added]

Thus, Goode at most describes determining the timing to stop hiding the image **based on receiving an encoded information stream of the new image data.** Therefore, a timestamp which may be included in the encoded information stream is received together with, and at the same time as, the encoded stream itself. In contrast, amended Claims 7, 14, 21, and 23 recite receiving a timestamp separately from the image data having been encoded and before the display device receives the image data having been encoded. Therefore, Goode fails to teach or suggest all features recited in amended independent Claims 7, 14, 21, and 23.

Accordingly, Applicant respectfully submits that Claim 7, 14, 21, and 23 (and all associated dependent claims) patentably define over Goode, and requests that the rejection of Claims 7, 8, 14, 21, and 23 under 35 U.S.C. § 102(b) be withdrawn.

Further, Applicant respectfully submits that it would be improper to modify the teachings of Goode (with some secondary reference), because Goode specifically describes that the timing to stop hiding image data is based on receiving an encoded information stream of the new image data, and **therefore is not based on receiving a timestamp separately** from such encoded information stream of image data.

Rejection of Claims 1-5, 9-13, 15-20, 22, 24, and 25 under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of Claims 1-5, 9-13, 15-20, 22, 24, and 25 under 35 U.S.C. § 103(a).

Briefly summarizing, Claim 1 recites a display device that displays an image based on image data supplied from a center device. The display device includes a receiver receiving data from the center device; and a visual disturbance hiding unit that hides disturbance in the image caused by image switching, in response to the display device receiving, via the receiver, switching-related data indicating information with regard to the image switching of the image data by the center device, the switching-related data being transmitted from the center device (i) as an acknowledgement of receiving a request from the display device for performing the image switching, or (ii) after the center device acknowledges the request for the image switching.

Applicant respectfully submits that no proper combination of Goode and Kang teaches or suggests all features recited in Claim 1.

First, Applicant notes that Claim 1 recites, *inter alia*, that a disturbance in the image is hidden ***in response to the display device receiving... switching-related data... from the center device.*** The Office Action apparently compared this receiving from the center device to “receiving **from the user** a selection of any function that must be implemented by the server,” as allegedly described by Goode. (Office Action, page 7, lines 17-18.) Receiving switching-related data **from the center device** is clearly different from receiving a selection of a function **from the user**. Therefore, Goode does not teach or suggest that a disturbance in the image is hidden in response to the display device receiving... switching-related data... from the center device. Further, the Office Action did not attempt to cure this deficiency by applying Kang, and Applicant respectfully submits that Kang fails to cure this and other acknowledged deficiencies of Goode.

Second, the Office Action conceded that Goode fails to teach or suggest switching-related data being transmitted from the center device (i) as an acknowledgement of receiving a request from the display device for performing the image switching, or (ii) after the center device acknowledges the request for the image switching. (Office Action, page 7, line 21 to page 8, line 2.) However, the Office Action attempted to cure these acknowledged deficiencies by applying Kang.

Applicant respectfully submits that it would be improper to add the acknowledgment described by Kang into the system described by Goode. Specifically, Goode describes in column 4, lines 65-67, that “at step 204, the routine acknowledges the selected function by displaying that particular function.” Thus, the acknowledgment of a Goode is that a user is notified from the set-top terminal 108 via the display 110, and the acknowledgment is **not sent from the**

information server 102 to the set-top terminal 108. On the other hand, the acknowledgment (confirmation) of Kang is sent from the zapping server 310 to the set top box unit 100, and is not presented to the user from the set-top box unit 100. (Kang, Fig. 3.) Therefore, there is no reason why one skilled in the art would replace the acknowledgment of Goode with the confirmation of Kang. Indeed, the Office Action failed to provide a reason why such a change would take place, or attempt to establish why the acknowledgment of Goode would somehow be lacking and thus require modification.

Furthermore, as illustrated in Fig. 2 of Goode, step 204 which acknowledges the selected function, is just one process steps in routine 200, and is not a trigger for the process of step 205 and subsequent steps. Therefore, even if the acknowledgment (i.e. step 204) were replaced with some different acknowledgment, the combination would still fail to act as a triggering event for hiding a disturbance in the image caused by image switching. In contrast, Claim 1 recites that the image is hidden *in response to the display device receiving... switching-related data... from the center device.*

Accordingly, Applicant respectfully submits that no matter how the teachings of Goode and Kang may properly be combined, no proper combination of Goode and Kang teaches or suggests all features recited in Claim 1. Independent Claims 11, 20, and 22 recites similar features. Therefore, Applicant respectfully submits that Claims 1, 11, 20, and 22 (and all associated dependent claims) patentably define over any proper combination of the applied references, and requests that the rejection of Claims 1-5, 9-13, 15-20, 22, 24, and 25 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the above amendment and the foregoing remarks, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact George Dolina, Reg. No. 63,654, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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